

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DAVID STEBBINS,)	
)	No. 12-35082
Plaintiff-Appellant,)	(U.S. District Court W.D. Wash.
)	No. 2:11-cv-1362 JCC)
v.)	
)	MICROSOFT CORPORATION'S
MICROSOFT, INC.,)	MOTION TO FILE LATE
)	EXCERPTS OF RECORD
)	
Defendant-Appellee.)	
)	
_____)	

Appellee Microsoft Corporation (incorrectly sued as "Microsoft, Inc.") requests permission to file late Excerpts of Record.

On June 4, 2013, Microsoft filed its Answering Brief (Dkt. 16), citing limited Excerpts of Record. *See* Circuit Rule 30-1.7 ("If appellant did not file excerpts of record ... the contents of appellee's supplemental excerpts are limited to the district court docket sheet, the notice of appeal, the judgment or order appealed from, and any specific portions of the record cited in appellee's brief."). At the time of the filing on June 4, 2012, the undersigned counsel was working remotely, having begun a fellowship with the King County Prosecutor's Office

only days before. Although the Excerpts of Record were prepared for filing before the fellowship began, the undersigned inadvertently neglected to ensure the Excerpts of Record were submitted to the Court with the Answering Brief.

Having just been notified of this omission, Microsoft is immediately submitting and serving the Excerpts of Record, as attached, in accordance with Circuit Rules and respectfully requests that the Court accept these late filed Excerpts.

RESPECTFULLY SUBMITTED this 19th day of March, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 19, 2013.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants at their last known address (*see* Dkt. 30):

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s/ John A. Goldmark
John A. Goldmark